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August 31, 2021

The Honorable Donovan W. Frank
Senior U.S. District Court Judge
District of Minnesota
316 North Robert Street
St. Paul, Minnesota 55101

RE: *United States v. Michael Hari, n/k/a Emily Hari*
Case No. 18-CR-150(1) (DWF/HB)

Dear Honorable Judge Frank:

This letter is written in response to the Court's Text-Only Order submitted as ECF Doc. 466, ordering the parties to address how, if at all, Ms. Hari's now dismissed civil lawsuit impacts the Motion currently before the Court in ECF Doc. 457.

The Civil Rights Complaint in 19-1330 before the Honorable Eric C. Tostrud was dismissed by His Honor on November 2, 2020. The suit, filed on May 20, 2019, challenged the cross-gender pat down searches being conducted at the Anoka County Jail and attempted to end the jail's practice of having female officers pat down and search male inmates. Although the complaint discusses the offenses against the male defendant subject to such searches, it also asks the Court to consider the perspective of the female officers at the jail who are required to do such searches even though they are uncomfortable doing so. The entire suit preceded Ms. Hari's gender dysphoria disclosure, but did *not* precede the evidence of Ms. Hari's gender dysphoria, which certainly occurred pre-arrest.

Recently, Counsel filed Ms. Emily Hari's Motion for Transgender Acknowledgement of Legal Name and Correct Pronouns as well as Presentence Report Amendment and Prison Recommendation. (ECF Doc. 457) This motion discusses Ms. Hari's gender dysphoria throughout her life, her "coming-out" to the mental health professionals at the Sherburne County Jail in December of 2020 and specifically asks the Court to consider the evidence the FBI seized from her computer prior to her arrest in 2018.

The Honorable Donovan W. Frank
August 31, 2021

Page 2

RE: Emily Hari
18-CR-150(1)(DWF/HB)

The forensic computer evidence includes numerous internet searches Ms. Hari conducted in 2017 and 2018 for “transgender,” “transgender surgery,” “post-op transgender” and “sex change.” The evidence explains that Ms. Hari looked up transgender related surgeries and topics in Google, Bing and YouTube, that she sought out information on transgender icons like Chelsea Manning, Emmie Smith and Katherine Boone. And lastly, the evidence shows that Ms. Hari searched for transgender documentaries, transgender support groups and transgender advice. Since some of these searches preceded the bombing of the Dar al Farooq mosque and the Other Acts charges in the Illinois indictment, it would be impossible for her to fabricate gender dysphoria pre-criminal conduct, pre-arrest, to obtain a benefit at some other uncertain point in the future. Her gender dysphoria is real.

Ms. Hari’s Motion in ECF Doc. 457 was filed under seal because of the deeply personal experience of a person with gender dysphoria, the private corresponding assessment conducted by Dr. Charles Samenow and to protect Ms. Hari’s family.

Counsel submits that the dismissed civil suit has no bearing on the Motion before the Court. The government has reviewed the same evidence on Ms. Hari’s computer and does not object to her requests to acknowledge her legally changed name, her pronouns, her request for amendment of the presentence report and a request for a female prison recommendation.

Thank you for your time and consideration.

Sincerely,

s/Shannon Elkins

SHANNON ELKINS
Attorney for Emily Hari